

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| Applicant: | WALCZAK ET AL. |) | |
| | |) | Examiner S. Bhattacharya |
| Appl. No. | 09/769,122 |) | |
| | |) | Art Unit 2687 |
| Confirm. No. | 5562 |) | |
| | |) | Atty. Docket No. CS10560 |
| Filed: | 24 January 2001 |) | |
| Title: | "Method And System For Validating A Mobile Station Location Fix" | | |

PRE-APPEAL BRIEF REVIEW REQUEST

Assistant Commissioner for Patents
Alexandria, Virginia 22313

Sir:

Request For Review, Claims Pending

The final Official action mailed on 27 July 2006 has been considered carefully. Review of the claimed invention in view of the discussion below is respectfully requested. A Notice of Appeal has been submitted concurrently with this Request. Claims 1-33 are pending.

Rejection Summary

Claims 1-3, 9, 12, 13, 15, 19, 21, 23, 25-27 and 31 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,650,948 (Atkinson). Atkinson is also relied upon as the primary reference in the

rejection of dependent Claims 4-6, 8 and 18. In the final Office Action, at page 11, the Examiner objects to Applicants' 131 Declaration swearing back of Atkinson on the grounds that the "... attachments with the declaration do not show essential aspects of the claimed invention."

General Discussion

The Examiner does not appear to assert that the subject matter of independent Claims 1, 12, 21 and 27 is not supported by the attachment (appended as Exhibit A) to Applications' 131 Declaration. Applicants' nevertheless establish below that the subject matter of Claims 1, 12, 21 and 27 is supported by Applicants' 131 Declaration.

Discussion of Claims 1, 12, 21 & 27

Claims 1 is fully supported by Applicants original invention disclosure (appended as Exhibit A). Claim 1 recites:

method for validating a non-network based location fix of a mobile station in a communications network, comprising:

generating a non-network based location fix of the mobile station;

evaluating the validity of the non-network based location fix of the mobile station by comparing the non-network based location fix with a prior network based location fix.

Section 2, on page 3, of Applicants' original invention disclosure discusses the susceptibility of GPS (i.e., satellite-based) location fixes to inaccuracies.

Solutions #1 and # 2, also on page 3, of Applicants' original invention disclosure indisputable support the concept of generating a non-network based location fix of the mobile station and evaluating the validity of the non-network based location fix of the mobile station by comparing the non-network based location fix with a prior network based location fix, as recited in Claim 1.

Discussion of Claim 12

Claim 12 is nevertheless fully supported by Applicants original invention disclosure (appended as Exhibit A). Claim 12 recites:

... method for validating a satellite positioning system based location fix of a satellite positioning system enabled cellular mobile station in a cellular communications network, comprising:

generating a satellite positioning system based location fix of the mobile station;

evaluating the validity of the satellite positioning system based location fix by comparing the satellite positioning system based location fix to a prior network based location fix.

Section 2, on page 3, of Applicants' original invention disclosure discusses the susceptibility of GPS (i.e., satellite-based) location fixes to inaccuracies. Solutions #1 and # 2, also on page 3, of Applicants' original invention disclosure indisputable support the concept of generating a satellite positioning system based location fix of the mobile station and evaluating the validity of the satellite positioning system based location fix by comparing the satellite positioning system based location fix to a prior network based location fix, as recited in Claim 12.

Discussion of Claim 21

Claim 22 is fully supported by Applicants original invention disclosure (appended as Exhibit A). Claim 22 recites:

... method for validating a location fix of a mobile station, comprising:

generating a plurality of location fixes of the mobile station;
evaluating the validity of a recently generated location fix of the mobile station by comparing the location fix for which the validity determination is required to a previously generated mobile station location fix.

Section 2, on page 3, of Applicants' original invention disclosure discusses the susceptibility of GPS (i.e., satellite-based) location fixes to inaccuracies. Solution # 2, also on page 3, of Applicants' original invention disclosure indisputable support the concept of generating a plurality of location fixes of the mobile station and evaluating the validity of a recently generated location fix of the mobile station by comparing the location fix for which the validity determination is required to a previously generated mobile station location fix, as recited in Claim 21.

Discussion of Claim 27

Claim 27 is fully supported by Applicants original invention disclosure (appended as Exhibit A). Claim 27 recites

... cellular mobile station, comprising:

a satellite positioning system signal reception interface in the mobile station for receiving satellite positioning system signals;
a cellular communications network interface in the mobile station for communicating with a cellular communications network;
an information processor coupled to the satellite positioning system signal reception interface and the cellular communications network interface,
the information processor for evaluating the validity of a satellite positioning system based location fix by comparing it to at least one prior mobile station location fix.

Section 2, on page 3, of Applicants' original invention disclosure discusses the susceptibility of GPS (i.e., satellite-based) location fixes to inaccuracies. Solutions #1 and # 2, also on page 3, of Applicants' original invention disclosure indisputable support the concept a satellite positioning system signal reception interface in the mobile station for receiving satellite positioning system signals, a cellular communications network interface in the mobile station for communicating with a cellular communications network, an information processor coupled to the satellite positioning system signal reception interface and the cellular communications network interface, wherein the information processor for evaluating the validity of a satellite positioning system based location fix by comparing it to at least one prior mobile station location fix, as recited in Claim 27.

Prayer For Relief

In view of the discussion above, the Claims of the present application are in condition for allowance. Kindly withdraw any rejections and objections based upon Atkinson and allow this application to issue as a United States Patent without further delay.

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Examiner S. Bhattacharya
Art Unit 2687

Respectfully submitted,

/ R K Bowler /

ROLAND K. BOWLER II 25 SEPT. 2006
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